

July 5, 2005



## **TRANSCRIPT**

**July 5, 2005**

### **MONTGOMERY COUNTY COUNCIL**

#### **PRESENT**

Thomas Perez, President  
Phil Andrews  
Howard Denis  
Marilyn J. Praisner

George Leventhal, Vice President  
Michael Knapp  
Nancy Floreen  
Steven A. Silverman

Michael Subin



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Councilmember Leventhal:

Good morning. We'll rise for the invocation.

Mr. Balakrishna:

Mr. Balakrishna Almighty God, you are indeed one but show yourself in many forms and assume many names. And just as the rains that fall from the heavens all reach the ocean, all our prayers in whatever form and in whatever language expressed reach you ultimately. In this hallowed place I stand today amongst the leaders of our beloved County of Montgomery. Bless them all and grant unto them the motivation and the ability to serve all people of this County with justice and compassion. I now chant two prayers in Sanskrit. These prayers I will chant daily in Hindu temples all over the world for at least 3,000 years. That meaning is universal. An English translation follows now. Let us all be safe together. Let us enjoy the good things of life together. Together let us perform noble and valorous deeds. Together let us function effectively and vigorously without any mutual jealousy or hatred. Let there be peace, peace, peace. We pray for the welfare and success of all who govern wisely and well justly protecting all people. Let all good people flourish and let farms and animals also flourish. Let everyone everywhere live happily. Let there be timely rains. Let the land produce plenty of grains. Let this County be free from all disturbances. Let good people move about fearlessly. Let families live happily with children and grandchildren. Let the poor become rich. Let all live happily for a hundred years. Amen. Thank you. Thank you. I think if we do that we'll all be successful like the Quince Orchard team. Thank you.

Councilmember Silverman:

Which is the Quince Orchard Varsity Baseball team and which is the multi-cultural dance? I wasn't sure.

Council President Perez:

We really have a great celebration here. Let me start with Mr. Andrews.

Councilmember Andrews:

I'd like to have the members of the Quince Orchard State Champ Baseball team are here today. Please join me up here and the coach, Jason Gasaway.

Well it's my honor to welcome to the Council chambers the 2005 State High School 4A Baseball champs, the Quince Orchard High School Cougars, bringing home their first ever baseball title to Quince Orchard High School. Everyone is aware of the Nationals this year and how they're doing and how many one run games they're winning but they've got nothing on this team. The Quince Orchard High School team went 20-2 and came back from down 7-0 in the championship game to win 10-9 in the bottom of the seventh inning. It was a remarkable season, a remarkable comeback. A lot of teams would have given up after that second inning. You were playing the nine time state champs and probably figured well, this wasn't our day. But you guys hung in there, came back, whittled away the lead, held them to two runs the rest of the game and won on a clutch hit in the bottom of the seventh so that never say die attitude really served



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you well. And it will serve you well as you continue in baseball or whatever else you do with the rest of your lives. This is a season you're going to remember for a long, long time and it's my pleasure to present to you a proclamation. But before I do that, I'd like to have each member of the team come up to the mike and just tell us your name, position, and class year.

I'm Brett Fox, I was a Senior pitcher and first baseman this year.

Justin Handler, Senior shortstop.

Matt Filderman, Junior third baseman.

Matt O'Keefe, Junior outfielder.

Kyle Judson, I was a Sophomore as a back up infielder.

Nick Barkanic, Senior second baseman.

Andy Moldawer, Senior pitcher.

Mike Celenza, third baseman. I was a junior.

Tyler Price, Junior outfielder.

Kevin Collins junior center and Joe Matix he was senior pitcher.

I'm Kevin Collins, I was a Junior at plate center. And we're missing Joe Maddis, he was an [inaudible] Senior pitchers.

Eric Weller, I was a Junior catcher.

Alex Warsaw, outfielder Junior.

Curtis Martin, Junior first base.

Councilmember Andrews:

All right. Well, congratulations to you all. Let's give them a hand.

We've got 10 returning I think from this 13. So that's the foundation of another great year. And Coach Gasaway certainly had a lot to do with that. You don't go 20-2 without some good coaching. So let me present this proclamation then I'm going to ask Coach Gasaway to say a few words about the season.

The County Council, Montgomery County, Maryland proclamation. Whereas the Quince Orchard High School baseball Cougars capped a magnificent 20-2 season with their first Maryland 4A State Championship crown, and whereas this feat was accomplished



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1 in astonishing fashion with the Cougars shutting out the defending State Champions  
2 from Bowie in the semi-finals before squaring off against nine-time State Champion  
3 Arundel High School, and whereas the Cougars, after falling behind 7-0 in the early  
4 innings, flashed a never say die attitude, battling back to not the game at nine all and  
5 loading the bases with two outs in the bottom of the seventh, and whereas Mike  
6 Celenza delivered a drive to left center scoring Matt O'Keefe from third with the winning  
7 run and the State Championship. And whereas Brett Fox pitched in relief and yielded  
8 only two runs in five innings was the winning hurler and, whereas the grit, determination  
9 shown by the Quince Orchard Cougars showed them truly to be champions. Now  
10 therefore, be it resolved that the County Council of Montgomery County hereby  
11 congratulates the players, their coaches, the parents and all those who were involved in  
12 this season of Quince Orchard High School, and congratulates them on an amazing  
13 season, one that they will remember for a long time, and by those I'm sure who were  
14 involved in it will remember forever. Congratulations.

15  
16 And let me say we're got some proud parents in the back there. And congratulations to  
17 all of you on, no doubt the hundreds of trips that you made when they were a little  
18 younger, maybe driving them to and from baseball stadiums and baseball games.

19  
20 Coach Gassway:

21 A couple things. A couple people that weren't here today, Brian Barrett was a Senior  
22 outfielder for us. David Moldier and Brian Steer also couldn't make it today. But, this  
23 season was just an amazing season. As a first-year head coach, you know, I kind of  
24 joked about doing this, this year. But you don't really expect to do it. A lot of things have  
25 to go right and it's just amazing group of guys which it really came out in that last game.  
26 It showed a lot of heart to go down 7-0 and being able to keep fighting. No one put their  
27 head down and they just kept battling until they came out on top. So it was just an  
28 amazing season and it was with help of their hard work, the coaching staff and all the  
29 parents. So it was just a dream season basically so I want to thank all the guys and all  
30 the parents and all my coaches that couldn't be here also. It's really great.

31  
32 Good job.

33  
34 Councilmember Andrews:

35 What are you going to do for an encore? Where are all the juniors?  
36 I think, they want us to gather close together for a group picture here.

37  
38 Council President Perez:

39 Okay. Now I have a question. How many visitors are here from Jerusalem today? 24.  
40 Wow. Unbelievable. How many here are from the Washington AIDS International  
41 teams? Okay. Wow. Phenomenal. Can you all come up? Come on up. Everybody.  
42 We're all one. That's what you're teaching us, I think. I want to ask Kate, that's you,  
43 Mica, who is the choreographer Mica?  
44 The choreographer. Good morning. Welcome. Welcome to Montgomery County.  
45 Maryland.



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1 This is a wonderful morning. You're here at the Montgomery County Council. We're the  
2 local, we do the local government business. We help with education and so many other  
3 things and what we learn from you, is that, the work that you have been doing, I know, if  
4 I understand it correctly, last, a few months ago, a bunch of folks from Montgomery  
5 County, from the Washington AIDS International Teens Organization went to Israel to  
6 perform. Is that right?

7  
8 Kate Tsubata:

9 Yes it is.

10  
11 Council President Perez:

12 Tell us a little bit about that. What happened?

13  
14 Kate Tsubata:

15 Well, we were very excited. We went to Jerusalem and the Multicultural Dance Troupe  
16 hosted us and we performed 19 times. Six times together in every neighborhood in  
17 Jerusalem and also all over the country. And we were very inspired by the good work of  
18 the municipality of Jerusalem in reaching out to people of all population groups. It's very  
19 similar to America. They have a lot of immigrant groups, they have a lot of groups of  
20 many different faiths and backgrounds and of course, they're facing a lot of turmoil and  
21 they're doing a great job. Dancing for peace.

22  
23 Council President Perez:

24 Right. And the Israeli, and you guys correct me if I'm wrong, okay, your Multicultural  
25 Dance Troupe is made up of 14 to 18-year olds, more or less, and basically you're trying  
26 to promote peace through traditional cultural dance. And just as so many walls were,  
27 barriers were broken through culture, whether it's breaking the cold war, when Soviets  
28 came over to American and we had cultural exchanges with China, you're trying to do  
29 the same thing in Israel. And we wanted to welcome you here to Montgomery County  
30 because we think about you often and we are inspired by the work you do, and we know  
31 that you treated our Montgomery County residents with such honor and hospitality  
32 when they were there, and so we wanted today to return the favor and to say thank you  
33 for the work that you do because we know that your work is so important. We're going  
34 to solve all of the vexing issues only if we engage our youth. And we say that here in  
35 Montgomery County and I know you say that in Jerusalem. And so I know that you are  
36 an inspiration to everyone. So I have a proclamation today to read which says that,  
37 Whereas the Israel Palestinian Multicultural Dance Troupe is made up of youth 14 to  
38 18-years old who make peace through dance performing traditional cultural dances if  
39 Israel, Arabic, [DEBCA], and you tell me when I'm mispronouncing words, and I  
40 apologize in advance, Israeli folk, belly dancing, Brazilian [COPREA], I'm sorry, Irish, I'm  
41 sorry, we didn't have that in the Dominican Republic, Irish stick dance and modern  
42 dance of Israeli songs. And whereas the Washington AIDS International Teens [WAIT]  
43 is a teens art group that teaches HIV prevention using break dancing, hip-hop, singing,  
44 dancing and acting, and whereas the [WAIT] group was invited to Jerusalem to perform  
45 at Israeli's Knesset this past February by the Municipality of Jerusalem, and performed



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1 with the Israeli Palestinian Multicultural Dance Troupe, and whereas the purpose of their  
2 visit to Montgomery County is to demonstrate that youth everywhere are using their  
3 creativity to give positive messages about peace and the prevention of AIDS, and  
4 whereas the members of the Israeli Palestinian Multicultural Dance Troupe and the  
5 Washington AIDS International Teens deserve recognition and appreciation as they  
6 continue to be dancing diplomats for peace who are making a huge difference in the  
7 world. Now therefore be it resolved that the County Council of Montgomery County  
8 hereby proclaims best wishes to the Israeli Palestinian Multicultural Dance Troupe for  
9 their work for peace and understanding and we thank you for bringing this message to  
10 the youth of Montgomery County and to the youth across America. Signed this day the  
11 fifth of July, 2005. And we know that you rolled out the red carpet for us when we came  
12 there we want to make sure we do the same for you. So Kate, thank you for your work  
13 here and abroad and to all of you thank you for your work. Thank you for your  
14 choreography.

15  
16 Let's get a photo. Everybody try and get in. Come on over. Here. We'll hold this up. I'm  
17 sorry. We have one more picture over here. I apologize. Can you come in the picture?  
18 We want to take a picture of you. All right. I think he's got one more. Thank you. One  
19 more. Here we go. Thank you. Did you want to say a few words on behalf of your  
20 visitors?

21  
22 Unidentified:

23 Stacey can translate. Good morning. Thank you. Good morning. [Inaudible]  
24 invocations that somebody speaking in Hebrew? Sure, sure. We'd like to thank all of  
25 you for the really warm welcome that we've received since coming here. And we'd like  
26 to bring you blessings from Jerusalem, which is a city holy to all faiths and a city known  
27 throughout the world.

28 The Municipality of Jerusalem runs a number of projects, a number of programs, one of  
29 which is, as mentioned, the Multicultural Dance Troupe. And with this project, what  
30 we're trying to do is we're trying to bring a message of peace, of friendship, of  
31 brotherhood. And given the fact that yesterday was your Independence Day, we'd like  
32 to share that with you, as our gift to you for your Independence Day.

33 It was a pleasure having the [WAIT] team with us in Jerusalem. We laid the foundation  
34 in Jerusalem for this part of the project which is Phase 2. We're all very much in favor  
35 of the kind of creative work that we can do together and bring some sort of small  
36 change to the world.

37  
38 Council President Perez:

39 Thank you and Shalom.

40 I know when we were in Jerusalem you rolled out the red carpet and they left with a  
41 number trinkets and we want to make sure that you also leave with a few trinkets. I'm  
42 going to hand this to you and then you can give them out to the members of your  
43 troupe. Certificates recognizing your work for peace. And each one of them, and each  
44 one them, and it's addressed to each of the individual members of the Multicultural  
45 Dance Troupe, awards this certificate in recognition of your work for peace and



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1 understanding through the Multicultural Dance Troupe. So I have 17 of these that I  
2 want to present to you. And I also want to present a pin from Montgomery County. And  
3 my friend and colleague, Howie Denis has more pins than anybody in America and I  
4 would be remiss if I didn't give you a pin and a Montgomery County pencil for  
5 everybody. Thank you.

6 Thank you. We also have a [inaudible] from Jerusalem from the Municipality. Oh wow.  
7 This is wonderful. Thank you. This is beautiful. It says pray for the peace of Jerusalem.  
8 Well, if you come to my officer, you will see it there every day. Wow. Thank you. That's  
9 very nice of you.

10 Good luck. Good luck. Thank you.

11  
12 Okay. Ms. Lauer. Agenda or calendar changes.

13  
14 Linda Lauer:

15 On the consent calendar today, Agenda Item 2C is being deferred. That's the executive  
16 regulation amending personnel regulations. That will come back on next week.  
17 And one change. Agenda Item F on the consent calendar has been changed to a  
18 special appropriation rather than a supplemental. That's it. Thank you.

19  
20 Council President Perez:

21 Okay. Madam Clerk the minutes for approval.

22  
23 Clerk:

24 We have minutes of May 19th , 20th, June 14th and June 21st for approval.

25  
26 Council President Perez:

27 All those in favor. It is unanimous. Receipt of Petitions. I'm told there's one Petition  
28 from the residents of Montgomery County, supporting speedy installation of all way stop  
29 signs at the intersection of [Bornefield] Way and Broadbridge Road and pedestrian  
30 crossings on both streets, 467 names. Thank you for those petitions. So we will move  
31 to the consent calendar.

32  
33  
34 Move approval.

35  
36 Unidentified

37 Second it.

38  
39 Council President Perez:

40 Moved and seconded. I see no lights so I will hurriedly, all those in favor, unanimous.  
41 Moving right along. We like this. Okay. Legislative session. Madam Clerk, is there a  
42 legislative journal for approval?

43  
44 Clerk:



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1 We have the journals of May 19th, June 14th, and 21st for approval Moved and  
2 seconded.

3  
4 Council President Perez:

5 All those in favor. Unanimous. Okay. Bill 805, Buildings, Permits, Posting of Notice of  
6 Issuance. I will turn it over to the chair of the T&E Committee. Ms. Floreen.

7  
8 Councilmember Floreen:

9 Thank you, Mr. President. Some people would say it's the height of coincidence that --  
10 Since --

11  
12 Council President Perez:

13 Oh, really.

14  
15 Councilmember Floreen:

16 Since our County appears to have, be challenged by the measurement issue, up in  
17 Clarksburg and elsewhere, that we're taking up this proposal. This Bill is introduced and  
18 is supported by the Committee requires basically that, within the residential or  
19 agriculture zones that where a structure that requires a building permit is proposed that  
20 is otherwise exempt from the building height issues, and that's things like towers and  
21 cupolas, steeples, spires, and what not, that they have to post a sign that describes this  
22 so that residents, as with the typical residential building permit notice. The point of this  
23 being to allow residents a opportunity to raise issues with respect to that use. And the  
24 Committee recommends approval of it. I know Mrs. Praisner had some changes I'm  
25 sure she'd like to talk about that. The Committee did discuss a proposal that Mrs.  
26 Praisner has in the packet, and I guess it's on Circle 14 that would extend this to  
27 additional uses. The concerns of the Committee here were that the way it was drafted,  
28 it would require a notice to be posted for any structure whatever to be put in someone's  
29 yard. Not just the things separate from height issues but also those items such as  
30 garages and other sorts of accessory uses that would otherwise be exempt.  
31 And we had concerns about the implications of this. We did not go into great detail.  
32 Mrs. Praisner wasn't there. So, I'll let her make her comments. But, as, what's before  
33 us is the Committee recommendation in support of the changes.

34  
35 Council President Perez:

36 Ms. Praisner.

37  
38 Councilmember Praisner:

39 Thank you. I think there's a little bit of confusion and I hope, Susan and Mr. Faden,  
40 Susan Scala-Demby and Mike Faden can help a little bit. I was going to introduce this  
41 legislation, the Executive's came over at the same time but was a more narrowly drawn  
42 legislation dealing with, I think, the issue of towers, meaning a building structure. When  
43 legislation was adopted in the '90s that required in residential zones the posting of a  
44 sign or notice whenever a building permit is required, so that the community has the  
45 benefit of knowing what is being constructed or what activity may be going on, Staff or I





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1 guess, the original sponsor, Betty Ann Krahnke did not, we didn't think through the issue  
2 of the agricultural zone as being residential as well, although obviously not hopefully  
3 primarily, but there are folks who live there. The view, my view is that they should have  
4 the same kind of notice that those who live in the residential zones of activity occurring  
5 where there is a requirement for a building permit. This does not require a building  
6 permit. This requires the posting of a notice if someone is getting a building permit. So,  
7 this does not extend the requirement for a building permit if the language is not clear.  
8 We're not changing the building permit requirements, we're changing to expand the  
9 notice which would be required, in the agricultural zone. For agricultural buildings,  
10 farmers, there is no, my understanding, there is no requirement for a building permit, so  
11 therefore it would not impede ag farmers, it would just deal with non-agricultural  
12 building permits having the same requirement for a posting so that the community and  
13 in the ag zone, if you think about it, larger lots, activity going on, further away from the  
14 road, one might argue, well, there's no impact but there could be an impact to the  
15 community. All this does, is say, that, as in the residential zones, where if you get a  
16 permit, you have to post a sign so the community knows and has ample opportunity  
17 within the time period allowed, to raise an objection, this would extend that same benefit  
18 to those living in the ag zone. And that's why I moved a broader implication so that it  
19 would cover more than just the one issue of the tower which came up. And certainly, is  
20 a big issue, but, it seemed to me that we needed to be comprehensive in this approach,  
21 therefore not have an after the fact assumption that the folks have covered everything  
22 by doing this. So, I'd like to move my amendment.

23  
24 Councilmember Andrews:  
25 Second.

26  
27 Council President Perez:  
28 Mr. Knapp.

29  
30 Councilmember Knapp

31 I want to thank the Committee and thank Mrs. Praisner for her interest in this issue. I  
32 think as most of us know from the e-mails we've received about seven or eight months  
33 ago, there were ham radio towers that were put up in the ag reserve done in the  
34 residential situation which prompted a lot of discussion which has precipitated this  
35 legislation. I appreciate Mrs. Praisner's interest in it. The one question I would ask is,  
36 and Mrs. Praisner alluded to it, is the notion of accessory structures for agricultural  
37 uses. I just want to make sure that it's clear that in instances for agriculture that they  
38 can go ahead and do what's necessary in agriculture and this wouldn't impede any  
39 process that they would currently be able to undertake if they needed to go ahead and  
40 put something up.

41  
42 Mr. Faden:

43 That is correct for two reasons. First of all, as Mrs. Praisner said, this Bill does not  
44 require a building permit for any structure, it only applies where a building permit is  
45 already required by current law. Secondly, it does not apply to accessory structures at



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1 all unless they are new construction on vacant residentially or agriculturally zoned land.  
2 So, if there is already a structure in place, the draft in Circle 14 of Mrs. Praisner's  
3 amendment which differs in some details from previous drafts, would not apply to other  
4 accessory structures.

5  
6 Councilmember Knapp:  
7 Thank you very much.

8  
9 Councilmember Floreen:  
10 I'm sorry.

11 Just to follow-up on that, Mr. Faden and Miss Scala-Demby, when we were discussing  
12 this in Committee, there was an issue because of the, there are agriculture uses that  
13 require building permits. Is our understanding. And, this could have an impact on it.

14  
15 Ms. Scala-Demby:

16 Well, anything that's used solely for agriculture is exempt from a building permit. I think  
17 that the only, and I'm not sure if this is what you're referring to, the only agricultural  
18 building that might need a building permit would be the equestrian event facility where  
19 they're having a major equestrian event and are bringing people in there. Where, it  
20 might be a stable or it might be a riding rink or something and normally we would not  
21 require a building permit for that but when we have mass number of people that are  
22 going in there, we would to make sure that the building's not going to collapse.

23  
24 Councilmember Floreen:  
25 But, but --

26  
27 Councilmember Knapp:  
28 We already put the notice of that in the legislation that we approved last year anyway.

29  
30  
31 Councilmember Floreen:

32 That's not the issue. We wanted to clarify the other kinds of agriculture uses that might  
33 already be existing like a stable or barn or something like that. A silo.  
34 Whatever it is, it might have some multiple uses.

35  
36 Ms. Scala-Demby:  
37 None of them require building permits.

38  
39 Councilmember Floreen  
40 So, it would only apply to the riding stable situation is that what you are saying?

41  
42 Ms. Scala-Demby  
43 Or a building that is being used for something other than agriculture purposes. In an  
44 agricultural zone.



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1 Mike Faden:

2 In an agricultural zone.

3  
4 Councilmember Silverman:

5 Why does it apply to riding stables?

6  
7 Ms. Scala-Demby:

8 It would only, if it's a major equestrian event where they're having more than 300  
9 people, we said that we would want it to have a building permit if they were going to use  
10 it for people who were coming in and out.

11  
12 Mike Faden:

13 Council made that distinction.

14  
15 Ms. Scala-Demby:

16 In the riding stable.

17  
18 Councilmember Knapp

19 Okay. Thank you. And thank you, Mrs. Praisner. I think this addresses an issue that  
20 kind of snuck up on everybody. But I think we've done it in such a way that kind of gets  
21 around the issues that Delegate Cryor [inaudible] were trying to introduce some  
22 legislation at the state level. So thank you very much for everyone's support.

23  
24 Council President Perez:

25 I guess, what is the difference? I was looking over the weekend at Circle, I guess Page  
26 2, which is the Bill, and then Circle 14 which is your proposal. What's the difference? I  
27 sort of ripped them out and I have them side- by-side. What would you say.

28  
29 Councilmember Praisner:

30 They're separate sections.

31  
32 Mike Faden:

33 Major difference if I can inject is one of scope. The Bill as proposed would apply to a  
34 very narrow range of structures that are exempt from certain height limits and really  
35 nothing else in an agricultural zone.

36  
37 Council President Perez:

38 And this expands it.

39  
40 Mike Faden:

41 Yes.

42  
43 Council President Perez:

44 Other than that though, is there anything else.



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1 Mike Faden:

2 Other than that they are very similar. There are some other details like the lack, in the  
3 Bill as introduced, the lack of a stop work order provision or an appeal provision which  
4 the County Attorney's office noticed.

6 Council President Perez:

7 Okay. Mr. Leventhal.

9 Councilmember Leventhal:

10 Just a very quick question. Does the executive branch of the County Attorney have any  
11 concerns about Mrs. Praisner's language that we haven't addressed or are we all  
12 comfortable with Mrs. Praisner's language? Does it accomplish the goal? I understand  
13 that it is also broader and accomplishes some other goals.

15 Marc Hansen:

16 We didn't have any issues with Mrs. Praisner's amendment. The only issue we raised is  
17 when the appeal time would begin to run. As currently proposed it runs when the, as I  
18 understand it, when the permit is released and we suggested that Council may want to  
19 consider to have the appeal time begin to run when the notice is posted.

21 Mike Faden:

22 Which is --

24 Ms. Scala-Demby:

25 The notice should be posted within three days of picking up it from our department. So,  
26 in most cases we're talking a three-day difference.

28 Mark Hansen:

29 So it's not a significant difference.

31 Mike Faden:

32 Well then the current law, if Mrs. Praisner's amendment amends the current law which  
33 covers that issue, the Bill did not cover that issue.

35 Council President Perez:

36 Do you have a preference then Mrs. Praisner?

38 Councilmember Praisner:

39 No, I really don't except that, I guess, it should go from when it's posted as long as  
40 people hurry up and post the sign and that's when the 30 days should start I guess.  
41 Would seem to me. I mean I don't think it has to be changed here. I really don't care  
42 either way. Whichever one the County Attorney is more comfortable with and you all  
43 are.

45 Mike Faden:



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We'd recommend the current language has been in effect since 1998.

Councilmember Praisner:

So it doesn't change what's there now. That's fine. Then we should leave it the way it is.

Councilmember Floreen:

I've got a question for clarification. When, if someone posts this notice, it says if they did not post the sign, their permit is automatically suspended so there's like an implicit stop work order.

Mike Faden:

Yes.

Councilmember Floreen:

That applies. Right now, you post the sign, are you required, and this is just a process question, are you required to wait 30 days before you can begin your work?

Ms. Scala-Demby:

No.

Councilmember Floreen:

So it's simply a notification for an appellant, some kind of administrative action?

Ms. Scala-Demby:

Correct.

Council President Perez:

Okay. Motion's been made and seconded. All in favor of Mrs. Praisner's motion. Ms. Floreen. Mr. Denis, Ms. Floreen. It's unanimous among those present. 8-0.

Let's call the roll.

Clerk:

Mr. Denis

Councilmember Denis:

Yes.

Clerk:

Ms. Floreen

Councilmember Floreen:

Yes.



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Clerk:

Mr. Silverman

Councilmember Silverman:

Yes

Clerk

Mr. Knapp

Councilmember Knapp:

Yes.

Clerk:

Mr. Andrews

Councilmember Andrews:

Yes.

Clerk

Ms. Praisner

Councilmember Praisner:

Yes

Clerk:

Mr. Leventhal

Councilmember Leventhal:

Yes.

Clerk

Mr. Perez

Council President Perez:\

Yes. The Bill passes 8-0. 11:15. So, it must be solid waste if it's 11:15 on Tuesday the 5th. Aron, is this one of your last solid waste-related activities?

Aron Trombka:

This is follow-up to two items that this Council considered. Earlier in the year, the Council did a really comprehensive review of all County solid waste policies, when it approved the full amendment to the solid waste management plan, which is the County Solid Waste Management document. At that time and then subsequently when you reviewed the solid waste budget there was a question by Mr. Knapp and others that the periodic briefings that the T&E Committee get on solid waste issues occasionally comment to the full Council and that's the purpose of today's session. In particular, you



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1 were interested in three of the major issues that were outstanding at the time that you  
2 reviewed both the solid waste management plan and the budget, and the purpose today  
3 is to find out where we are on three issues. One is that you'll remember that the County  
4 revised its recycling regulations, putting in new standards for what and how things must  
5 be recycled. In addition, you approved a companion Executive Regulation that imposed  
6 a ban on the disposal of recyclables at solid waste facilities. And secondly, we were  
7 waiting to hear on the results of a composition study. That's when we go, or they go and  
8 literally dig through the trash to find out what's in there. most notably to find out what is  
9 potentially recyclable that isn't being recycled right now and that gives you important  
10 information on where we might go in recycling. And finally, an issue that the Council  
11 President and others have been interested in is how the jump start recycling efforts in  
12 the multi-family and commercial arenas and there the department has been working on  
13 what they're calling alternative collection methods. Different ways to try to get  
14 economies of scale to change what we're doing, in many cases, in the commercial and  
15 multi-family sectors, piecemeal collection, each property owner or property manager  
16 collecting separately, and the department's done some work to try to see if there are  
17 some alternative ways of doing that, that can affect capture rate. And so, we'll get three  
18 5-minute presentations from the department.

19  
20 Council President Perez:

21 Mr. Hoyt and Balmer, did you have some opening comments you'd like to make? We  
22 have this new closed captioning so maybe we should have everybody go introduce  
23 themselves and then we'll go from there.

24  
25 Let's start with Eileen.

26  
27 Eileen Kao.

28  
29 Art Balmer.

30  
31 Mike Hoyt.

32  
33 Bob Wilson.

34  
35 Dave Wagaman.

36  
37 Aron Trombka

38 Thank you. So, the, did you want open comments and then we'll go to the first issue.

39  
40 Mike Hoyt:

41 Thank you. Mr. President. Two items before we get into it, if I may for just a short  
42 moment. One, we'd like to congratulate Mr. Trombka. I understand he's moving on to  
43 other pastures which will preclude him being our--

44  
45 Councilmember Praisner:



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1 Same field. The left fork and the right fork.

3 Mike Hoyt:

4 We're a little bit distressed by this change because it's taken us quite a while to train  
5 him up and now we're going to have to start all over again. But he's been a superb  
6 great friend of ours over time and has helped us in many, many instances in terms of  
7 our working with the various issues between the Executive and the Council. We thank  
8 him very much for that.

10 Art Balmar:

11 I'd like to echo that from everyone in the Division. Just done doing an outstanding job  
12 when he was with us. He has kept us on our toes and I think we're all the better for it.  
13 Thank you.

15 Mike Hoyt:

16 Two quick things for information for the Council. Mr. President, the Solid Waste  
17 Association of North America in the last, literally, the last few days has granted two  
18 awards to Montgomery County and its solid waste management program. One is a  
19 Gold Award to the Resource Recovery Facility receiving the Waste Energy Division's  
20 2005 Gold Excellence award and the second also from the Solid Waste Association of  
21 North America is the Yard Trim Compost Facility receiving the Compost Division's 2005  
22 Silver Composting Excellence Award. So that's a direct result of really superb work  
23 being done by the Division of Solid Waste. Copies of these are being made available to  
24 the members of the Council. Onto the official stuff in terms of presentation. We  
25 appreciate the opportunity to come up and bring you the update. We'd like to show you  
26 our ban on recycling and the two Executive Orders in particular, 15-04 and 18-04. We'll  
27 also give a short progress report on alternative collection methods and that study that  
28 was just completed, and we're going to look at the Waste Composition Study, all those  
29 we're mentioned by Aron just a few minutes ago. The presentation will basically be that  
30 Eileen Kao will discuss 15-04 for a few minutes, Bob Wilson will discuss 18-04, the ACS  
31 report will be done by Eileen again, and she'll be assisted Mr. Gregg Vote of SCS, our  
32 consultant, and then Dave Wagaman will close with the Waste Composition Study. So  
33 that's what we have planned for this morning. Eileen.

35 Ms. Kao:

36 Our Revised Recycling Regulations 15-04 AM, we have been busily implementing these  
37 new recycling regulations. We've developed a draft notification form for the collectors to  
38 use when they notify one of their customers about either contamination issues or other  
39 issues with their recyclables. We are in the process now of modifying that form. We  
40 had had a meeting in May with the collectors, had provided the draft form and had  
41 gotten feedback from them and are in the process of revising. We've done our initial  
42 mailings to all businesses, organizations, government facilities, as well as licensed  
43 collector about the new regulations. That was a mailing of 35,000 letters. We've also  
44 done a companion mailing to all of the multi-family apartment and condominium  
45 property owners. managers and responsible representatives such as the President of





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the Board of Association. We've developed two brochures on the new regulations that go into detail about the new regulations and what it really means to the generators and to the properties. We are in the process of developing a flyer for the multi-family sector detailing the same type of information. We are preparing, right now, detailed packets including copies of both regulations 15-04AM as well as 18-04, these brochures that outline what those new requirements specifically mean, and plan forms as well as detailed instructions for the generators. Those mailings will begin later this week. During the month of June we conducted four seminars, two for businesses and two for multi-family properties to go over the new regulations with folks. We not only went over the requirements of 15-04 the Recycling Regulations but we also went through the requirements of the Ban on Disposal, 18-04, so that everyone is aware of all the requirements. We are drafting news letters currently for the businesses as well as for the multi-family properties that go through the requirements. Our investigators have issued 60 notices of violations, actually 64 as of today, that specifically cite back to issues pertaining to the recycling regulations.

Council President Perez:

What's the time-frame in that? 60, between when and when?

Ms. Kao:

Between February 8, 2005 and today.

Aron Trombka:

February 8th, the date that you approved the regulation.

Council President Perez:

What would the, so I get a baseline, what are the numbers of violations say the previous year? How many notices of violation were issued?

Ms. Kao:

Well, a couple things.

Council President Perez:

I recognize that the regulation is different so there's a little bit of apples and oranges there. I appreciate that.

Ms. Kao:

Yeah, there's a little bit of apples and oranges there but at the same time, we had gotten approved our three investigators and they just came on board during the month of April of this year. So that's another apples to oranges element. But, the number of notices of violation have increased from last year to this year. But there have been a number of changes not just in the regulations but also we now have the three dedicated staff members who are enforcing the requirements of the recycling regulations.

Council President Perez:



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1 Mr. Knapp did you want to ask a question now or do you want her to go --

2  
3 Councilmember Knapp:

4 Just a quick question on the previous slide. You identified that you have had four  
5 seminars.

6  
7 Ms. Kao:

8 Correct.

9  
10 Councilmember Knapp:

11 What was your attendance of those four seminars?

12  
13 Ms. Kao:

14 For the two business seminars we had 105 people at each. For the multi-family  
15 seminars, the first one we had about 50 and the second one we had over 75.

16  
17 Councilmember Knapp:

18 50 and 75. Okay. Thanks.

19  
20 Council President Perez:

21 Ms. Floreen

22  
23 Councilmember Floreen:

24 Same kind of question. Have you contacted all the civic associations in the County?

25  
26 Ms. Kao:

27 The civic associations?

28  
29 Councilmember Floreen:

30 Civic, yeah.

31  
32 Ms. Kao:

33 We're in the process of sending out news letters to all the civic associations.

34  
35 Councilmember Floreen:

36 And homeowners associations?

37  
38 Ms. Kao:

39 That would include the homeowner and civic associates, the park and planning listing of  
40 all of those associations.

41  
42 Councilmember Floreen:

43 Okay. Good. Thanks.

44  
45 Bob Wilson:



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1 18-04 we developing position descriptions for the two employees that were approved in  
2 the FY '06 budget to do the enforcement of the regulation at the transfer station, the  
3 inspections that will be conducted there in regards to this regulation. We have a  
4 companion draft notification form, Eileen talked about, that was brought to the collectors  
5 and haulers had an open meeting that we conducted.  
6 To solicit that meeting, we sent certified mailings to all of the licensed haulers and  
7 collectors that we have in our database and along with the regulations, both regulations  
8 and the draft notification form.

9  
10 Council President Perez:  
11 How many people came?

12  
13 Bob Wilson:  
14 There was a little over 35 people.  
15 It was an open house and you know, those that wanted to come, come, it wasn't  
16 mandatory, but we wanted to update them on these regulations and their part in it. And  
17 they had, as Eileen, some concerns over the form that we are proposing. They had  
18 some concerns about their relationships with their customers being, we're sending these  
19 notifications to them and the ramifications that might result from that. And, so, we'll be  
20 working with them a little bit further because we have agreed to meet with them after the  
21 mailings that Eileen was going to be putting out to the various businesses so that it will  
22 all work together hand in hand, and we'll know that the businesses have their  
23 information that they need to abide by these regulations and the association of the  
24 haulers being a partner in this.

25  
26 Council President Perez:  
27 Thanks.

28  
29 Aron Trombka:  
30 Maybe we'll just do the discussion here before we move on to the next issue. That's  
31 their presentation on the regulations. Staff's put some discussion questions on the  
32 packet on Page 2. I'd like to focus particularly on the last two questions. You debated  
33 quite at length the ban on the disposal of the recyclables as solid waste. And what the  
34 Executive recommended and the Council approved was a strategy wherein the ban  
35 would start immediately, in February, but the enforcement, meaning the issuance of  
36 fines related specifically to the ban would not take effect until twelve months, so, next  
37 February. And the sense was that, as vehicles started coming to the transfer station  
38 with recycled loads they would be, with recyclables mixed in trash loads, they would be  
39 cited if they were in violation of the regulation to try to get people used to the fact that,  
40 soon, we'll be enforcing this for real. As Mr. Wilson mentioned, they're hiring the  
41 inspectors that you approved in the budget for the fiscal year that just started this week.  
42 But I think Council may be interested in finding out when those inspections, once the  
43 people are hired will be taking effect. When will we actually be telling people this is a  
44 load that otherwise would have been rejected and come next February if you come with  
45 this load, you'll be rejected and/or fined. And secondly, we heard a little bit about the



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1 outreach. There's, as discussed by the Council, the attempt here was to modify  
2 behavior not only by the people who move the trash around but by the sort of in the  
3 building and at the loading dock for the multi-family and for the commercial buildings.  
4 And a question that I ask is, what outreach is going beyond those who are in the trash  
5 business, but to the generators to know that soon their trash haulers will be telling them  
6 we can't pick this up, we can't, you know, bring things comingled and I think maybe we  
7 can have a short discussion.

8  
9 Council President Perez:

10 I guess I would simply make the observation is, the regulations that we put in place I  
11 think are very ambitious and impressive, but like so many things regulations and laws  
12 and guidance and master plans and site plans, and floating zones and things of that  
13 nature are only as effective as the people enforcing them and carrying them out. So, I  
14 think the hires that have undertaken and are about to undertake are going to be the  
15 critical piece of whether our, the new scheme we put in place is a paper tiger, a  
16 recyclable paper tiger, or whether it is going to be, in fact, effective. So, that's why I  
17 think, briefings like this are important and that's why we want to continue to hear from  
18 you over the course of the next few months. Because, again, I mean, I think, the fence  
19 in Clarksburg, among other things are a reminder of the need to exercise a visual  
20 oversight as we move forward. So, I'm going to continue to be very interested in  
21 learning about the folks that you've hired and what they're doing and what they will be  
22 doing. And I do think the questions you've outlined Aron are good starting points from  
23 which to begin this analysis. But I mean, I would love it if there were no fines because  
24 we had, you know, wonderful compliance, but human nature being what it is, I think we  
25 are going to make, we only have one chance to make a first impression. We have new  
26 regulations and we have new folks coming on board to enforce those regulations and so  
27 the first impression that we make is critically important and that's going to occur, that's  
28 occurring now and will occur in the months ahead. So, I want to make sure it's a  
29 credible first impression.

30  
31 Aron Trombka:

32 I'll ask the department if they can comment briefly about when they believe the folks will  
33 be hired and when you think you can start doing the inspections at the transfer station.

34  
35 Bob Wilson:

36 Probably mid-November that these people would be on board. I have been notifying  
37 people at the transfer station. Those that aren't really licensed haulers things about the  
38 regulations as we come across them just to remind them that this is a law that we have  
39 to abide by and they have to change their patterns and things like that. We have been  
40 verbally addressing some of the issues with some of the customers out there, with the  
41 transfer station now, but as far as the new hires about mid-November is my guess.

42  
43 Council President Perez:



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1 What's the background of people who are applying for these positions both at transfer  
2 station and the other folks that you had mentioned, Eileen? I'd be curious to learn what  
3 experience they have in these areas.

4  
5 Bob Wilson:

6 Well, we're looking for somebody that has some kind of inspection experience and that  
7 kind of thing would be a plus for that. But, to train a mode, you can develop somebody  
8 in this program and bring them along. It's mainly keying in on what to look for and then  
9 how to follow through on the various citations and things of that nature that have to be  
10 part of the training process.

11  
12 Ms. Kao:

13 We're very fortunate with the three investigators that we've hired and brought on board.  
14 One comes with, we actually promoted him from within. He was on our team already on  
15 business recycling so he has full background and appreciation of sort of what's led up to  
16 the need for enforcement and stronger actions. We have our second investigator. He  
17 comes with 17 years of experience at the pre-release in the Department of Correction  
18 and Rehabilitation and he's been monitoring compliance with court orders and work  
19 orders, with the residents of the pre-release center. And our third investigator has a  
20 wealth of experience in compliance. He's a former police officer with the City of Takoma  
21 Park.

22  
23 Council President Perez:

24 Okay Should we go on? Yeah, I mean you asked the second question as well.

25  
26 Aron Trombka:

27 Yeah, about the outreach to the commercial and multi-family sectors in general, not  
28 necessarily only to the people that move the trash and the recyclables. How will  
29 property managers of an office building, of an apartment building be informed of the  
30 change that's going to affect them in their trash contracts and their recycling contracts?

31  
32 Council President Perez:

33 And the whole, what's the theory of behavior modification here? I remember the  
34 hearings and we had a lot of discussions about there's these nice bins in the office and  
35 people pick them up and then they walk down to the loading dock and combine  
36 everything thereby completely undermining all those things we have in place.

37  
38 Aron Trombka:

39 And indeed, that was the motivation I think for both the Executive and the Council to use  
40 this tool, that, I think it was Mr. Silverman who first introduced this idea in the County of  
41 saying that, if we ban the disposal of recyclables at the back end, then it's going to  
42 affect behavior at the front-end. That if you know that you can't put your recyclable  
43 paper in the regular trash because sooner or later your trash hauler will say, I can't pick  
44 this up because if I take it to the transfer station they're not going to accept it, that's  
45 going to trickle up the stream and affect people from the office to the loading dock to the



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truck. And so, the motivation for the last question on Page 2 was, what are we doing not only to let the haulers know, the people that move the trash, but also the people who run the buildings, the multi-family and the commercial buildings.

Council President Perez:  
Right. And the answer is.

Ms. Kao:

And the answer is. We're providing education across the board to everyone and we're making sure that everyone is aware not only of what is expected of them, but also what is expected of their service providers such as their collectors. What we're trying to do is we're again trying to reinforce the proper behavior on the part of everyone that's involved in a successful recycling program, in the recycling loop. So, you'll notice from our brochures that we're covering both the recycling requirements as well as requirements of the collectors and the ban on disposal of recyclable materials so that everyone is aware of what's expected of everyone. In terms of our further behavior modification, our goal is really to, when there is a issue, find out who the responsible party is that's the broken link in the chain, and to make sure that that particular party is dealt with appropriately to make sure that their behavior is changed and everyone can successfully recycle as much as possible .

Council President Perez:  
Ms. Floreen had her light on then Mr. Knapp.

Councilmember Floreen:

I am, I continue to be still concerned about how we're educating the basic average person about these issues much less the commercial side. And I know, the commercial side has been a big focus because we really haven't done much at all with them, although we've tried. But I'm just looking at your brochure here and you say, about the things that are required to be recycled including unwanted mail. But actually you're saying, you mean, mail. Right? You mean anything that can travel through the mail system.

Ms. Kao:

Yeah. Unwanted mail is just a nice way of saying junk mail.

Councilmember Floreen:  
The junk mail.

Councilmember Silverman:

Hey, hey. Too close to home there. Way too close to home.

Council President Perez:

Well, as long as we're on that, if you have a fan that's attached to a stick, and it says so and so for such and such can we --



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Councilmember Silverman:  
Is that recyclable?

Councilmember Andrews:  
Extra credit.

Council President Perez:  
Is that recyclable.

Unidentified  
Those are clearly wanted. That's right.

Councilmember Floreen:  
Things like pizza boxes is that, is a pizza box recyclable?

Councilmember Silverman:  
Only if it had a pizza in it.

Ms. Kao:  
No. Unless it's an unused, never used pizza box, which we've actually come across when like businesses close and they had a lot printed. We've actually seen some clean, totally clean, never used pizza boxes be recycled. But, the problem with pizza boxes, once they've been used, they're typically, they've got oil, some of them have half a pizza left in them sometimes so we don't encourage it.

Councilmember Floreen:  
Not at my house. But the, I guess, I am concerned that we make it simple and understandable for folks. These are wonderful compendiums of things of the range of obligations. I mean my household alone, we should know this. And, it's taken a year of thinking about it for us to be pretty good in terms of what we put in the recycling. So, you know, and there's no excuse for that. So, I do wonder about how effectively we're reaching out to the average person who wants to do this? Who still thinks when they look in the back of a large plastic salad container or what not and it has one of those little numbers, that that means it's supposed to be recycled and the true blue folks really believe that. I'm not sure we're making the headway that we would like.

Ms. Kao:  
Yeah, we, this is the beginning of trying to continue and provide more information to people. We actually are going to be tailoring things to the typical residents. We did also, during the month of June, we did eight different focus group sessions and two of them, three of them were for the single-family residents, and picked up quite a bit of very good research information on areas where there's still are people that are not clear about the do's and don'ts and we're using that information to tailor and provide additional material.



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Councilmember Floreen:  
In simple to understand.

Ms. Kao:

Yeah. Very simple terms. Also using, plan to use pictures, photos, things that reinforce the simple terms that we're going to be using and also hope to translate the materials into other languages as well.

Councilmember Floreen:  
Are we sending this out with tax bills?

Ms. Kao:  
Our information? Typically we've tried, we've asked, but they've actually declined because I guess they have a certain amount of space that they--

Councilmember Floreen:  
Inserts. Political information to share.

Council President Perez:  
Hit the circuit breaker again.

Councilmember Floreen:  
Yeah.

Council President Perez:  
And I sense more discount drug cards.

Councilmember Floreen:  
I think we really need to beef up the education process soon with some clear notification of what it's going to cost people if they don't start thinking this way, early on, before the actual fines and things will come into effect. But, I don't know how else you get people to focus on this. So, I would urge, at least, so, the fines would go into effect in, when March? February, March?

So this fall, we need to be extremely clear to the community at large. Have we thought about some TV or radio communication? Public service announcements and the like.

Ms. Kao:  
In terms of advertising on radio and TV, we don't currently have that kind of money built into the budget. But, in terms of the cable TV shows--

Councilmember Floreen:  
The County shows we can do that.





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Ms. Kao:

Right. We've got the public information office shows and we've got, actually, we've been talking with Staff over your way about putting tidbits into those other shows.

Councilmember Floreen:

Well, I certainly think we should be doing that and we could certainly, I would think, clarify that on the Council Web site, at least on the County Executive's Web site as to the requirements.

Ms. Kao:

Adding information to our Web site as well, updated information. And then one of the other things that we continuously work on is through COG. We participate in a regional campaign as well so, utilizing that ability.

Councilmember Floreen:

Yes, but the other jurisdictions aren't imposing these kinds of obligations. No, they're not the same, but at least from a general perspective to direct people's attention to recycling, we can try and reinforce that notion by using the regional campaign as well.

Councilmember Floreen:

Do you have a schedule for the production of the different notification steps? I mean is it written down somewhere?

Ms. Kao:

It is schematically, yes. Schematically, sketched out.

Councilmember Floreen:

Okay. Well maybe if you could share with us your current draft so we could have an opportunity to take a look at that, that would be helpful. Okay. Thanks.

Council President Perez:

Mr. Knapp.

Councilmember Knapp:

Thank you, Mr. President. I have many of the same concerns that Ms. Floreen has. One of the questions I would have is, the rolling out of the blue wheelies that we've done over the course of the last month or so, that's gotten a lot of, well, but it got a lot of media attention over the course of the last month, is that process complete? Are we still doing that?

Dave Wagaman:

We've distributed 145,000 carts. We used up last fiscal year's budget on that distribution. We have about 2500 more carts which we are purchasing out of this year's appropriation and will sending them out. And then I expect over time we've had quite a few people that can't find carts that want them now, and we've had some people from



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1 townhouses that want them, so I suspect, a couple dozen a week maybe for an  
2 extended period of time.

3  
4 Councilmember Knapp:

5 If there was still a big number left to do, clearly when this big blue thing shows up in  
6 your front yard, you look at it and you look at the information that's attached to it. And  
7 so that would have been a logical thing to have put some more information about this  
8 broader recycling program, just because everybody was reading it.

9  
10 Council President Perez:

11 We've actually had that conversation in the Committee back in February when the  
12 rollout was not as far along, and my recollection was that the response was that, nice  
13 idea but their experience had shown that people weren't keeping it and the instructions  
14 with the blue toter were oftentimes not even being read because I had the same  
15 thought. The marginal cost of doing that was relatively minimal.

16  
17 Councilmember Knapp:

18 Well, and as we've seen, it's a matter of trying to get the same message out 3, 4, 5, 6, 7  
19 different times as many different ways as possible, and that certainly was a way to do it  
20 which everybody kind of saw. Do we have a, or do you have a survey instrument or  
21 something that relates that you look at, or try to get your focus groups [inaudible]  
22 together or something in the fall before we actually implement the fines so we'll know  
23 how our communication strategy has rolled out so we'll know if we're actually impacting  
24 people or people are aware before we really start fining people?

25  
26 Aron Trombka:

27 My sense is you'll know based on what turns up at the transfer station. That, the proof  
28 will be in the trash pudding, that when loads keep coming that have recyclable material  
29 in them, that might be a sign that the outreach hasn't worked. If loads are coming more  
30 consistently separated, then that would be an indication that the outreach is working. I  
31 think that's why it's so critical to get this inspection going as expeditiously as possible. I  
32 just have to mention one more thing. We're at an advantage with the single-family  
33 residential in that from the exclusion of the newness of [inaudible] and some townhouses,  
34 we control the collection. So, the haulers under contract to the department have a  
35 history of keeping recyclables and other trash separated. I think the major challenge  
36 that we can't lose sight on is in the commercial and multi-family sectors where it's the  
37 private sector, and the private sector alone without the oversight of the County, that are  
38 the ones that are moving the recyclables in the trash. And those are the ones that we're  
39 going to have to maybe more target the education toward because, they don't have the  
40 history of keeping things separate.

41  
42 Councilmember Knapp:

43 Right.

44  
45 Aron Trombka:



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1 Or being under enforcement rules to keep them. Right now there are contractual  
2 enforcement rules for the single family. For everybody else, the apartments and the  
3 businesses that's where the behavior modification and I think the outreach is most  
4 needed.

5  
6 Councilmember Knapp:

7 I don't disagree. But eight out of every ten people that work in the private sector here,  
8 live here. And so, I mean, you know, we've got, it's going to have to be a multi-pronged  
9 approach. And so to the extent the people are seeing it one place and then the  
10 literature they see one place, they're saying well gee, it looks like we're beefing this up  
11 we're going to have to start doing this in the business, there's a lot of transference of  
12 information there and knowledge. Every way is going to have to be participatory in  
13 order to make that work. So, I don't disagree. You're right. We'll see the proof in the  
14 pudding as it relates to what shows up at the transfer station, but by the time we get to  
15 that point, you've already lost six months time, eight months time by the time you're  
16 starting to see that. And so if we're doing a lot as far as seeding the ground now, and  
17 we know that we've had a good impact, then we know come February that we're going  
18 to be in a good position to make, that we've made a lot of headway. And the questions  
19 you put out there, Aron, it says, and I don't know if I missed it, when does DPWT begin  
20 to inspect loads at the transfer station? Did that get asked or answered and I just  
21 missed it?

22  
23 Aron Trombka:

24 Yeah, I said I estimated around mid-November to have them on board.

25  
26 Councilmember Knapp:

27 Oh, okay. So we're not going to --- Okay.

28  
29 Aron Trombka: That's a long time off.

30  
31 Councilmember Knapp:

32 That is a long time off. Is there anyway for us to accelerate that? I mean right now,  
33 we're about mid-way through year, and this would seem to be, give people about six  
34 months so that they're starting to see the types of things that they're going to have to  
35 do, the types of notices they'll have to get or at least come September, when people  
36 are coming back from vacations and things.

37  
38 Aron Trombka:

39 I believe we budgeted those positions, assuming that they'd be around eight-tenths of  
40 the year, which is more of a September time frame.

41  
42 Dave Wagaman:

43 It depends on the OHR and if those things, of that nature and what not. But we're trying  
44 to get them on board as soon as possible. I'm just giving you probably the worst case  
45 scenario. Okay.



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Councilmember Knapp:

Well, I mean, just given the nature of the responses I think that we're going to see the behavior modification when we actually start to do things that are going to force people to modify their behavior, it behooves us to begin that process as soon as possible. It's just going to take all of these pieces. And, I like the brochures, but as Ms. Floreen has indicated, there's a lot of information in here and so we're going to have to really distill that and come up with some very clear messages to the various groups that we're trying to target at.

But that they're a great background but to really hone in and get that message finally to them so that the people who need to pay attention know they need to pay attention. But that would be the biggest thing. Because I think to the extent that we can really speed up that process, work with OHR to get somebody on board as soon as possible. Because if we can start getting people to pay attention in September, that's two extra months to see how that behavior modification is working which, if we don't have the survey instruments to see how the rest of it is coming together, that's how we're going to see it is at the transfer station so we want to see it at the transfer station as soon as possible.

Aron Trombka:

Should we move on to the next issue?

Councilmember Praisner:

One question and one comment. I agree with my colleagues that these are useful documents, but I think it would be important to simplify and streamline the information. And I would recommend you start by cutting out of references to Executive Regulations and things. I really don't think our businesses whatever, if they want further information, they can look to this. But, we don't have to go into the detail of what we passed and when the Executive demonstrated his commitment or the Council set the recycling goals. It's just important to say that we all need to recycle. There are different requirements depending on upon what part of the community you are, and these are the rules and there's a penalty if you don't abide by them. The material here is very useful, but, I think there's some folks who will for the most public, general public, even the business community, it's too much information. And they can't find the information that they need, when you've too much information.

Let me ask a question the other way, backwards. We've talked about what's recyclable and we're going to have fines et cetera for not recycling what's recyclable. But there's no fine for putting in something that's not recyclable into the recycling system, correct? So when in doubt put it in. Is that what we're saying?

No? But that's the message we're sending, I guess.

Aron Trombka:

What do we have in place to prevent contamination of the recycling as a strategy to avoid being fined?



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Councilmember Praisner:

I mean the fine goes for contaminating recycling or the fine goes for not recycling what's recyclable?

Aron Trombka:

The latter.

Councilmember Praisner:

If the fine is for putting in solid trash a recyclable item, then you're going to encourage folks to put in recycling what might not be recyclable, and, therefore, contaminate the recycling. So you need to, if that's true, if I am not accurate, correct it.

Ms. Kao:

There are a couple things in 18-04 is the ban. You cannot put recyclables in the trash. But, part of 15-04AM is, does deal with contamination. So in a way we do—

Councilmember Praisner:

What's the penalty for contamination?

Ms. Kao:

Well, if there is excess contamination that prevents the load from being recycled, there are the same type of remedies once we investigate the situation and determine that it was a willful or a repetitive issue, it's also a Class B violation.

Councilmember Praisner:

So, whether you, inappropriately recycle something or miss recycling something, there's going to be a penalty? Right? I think that's a different, I mean combining it is the message, you know, for folks. Otherwise, what you're saying by a penalty, by not recycling, is when in doubt put it in. But there's a problem if you put the wrong thing in recycling and folks need to know what that problem is, too. You almost have to understand why it's a problem because, it seems to me, the human nature would say, okay, if I'm, if you're doing this big PR about we're going to start imposing fines for not recycling when you should be, my inclination would be put it in, they'll fix it later on if it's not. And if that's a problem, folks need to know why that's a problem, too.

They need to be educated about both pieces, what's wrong with putting the wrong thing in recycling and what problem it causes and what's wrong about not recycling. I mean.

Ms. Kao:

That's a good point.

Councilmember Praisner:

That's what the general public needs to understand.



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Ms. Kao:

That's a good point for combining it.

Councilmember Praisner:

We shouldn't think discretely about folks in one piece of the pie. When I'm sitting there in my kitchen, or going through my mail, or looking at the cardboard box or whatever, I'm not thinking oh, I'll be, we have to think about it from both perspectives. We've got to do it in sixth grade language.

Ms. Kao:

To combine those issues. That's a very good point. The reality though too, when we do work with the businesses and the property, the multi-family properties and the residents, we do talk about those aspects. But, good point for combining those notions in brochures.

Councilmember Knapp:

Just one more quick one. I'm sorry. Since you put out this information on the back of at least the purple one, you've got contact information. Have we started to see an increase volume in phone calls and e-mails?

Ms. Kao:

Yes. We have a pretty substantial increase. Once we've sent out our mass mailings to 35,000 businesses and then to the all the property, the multi-family properties, absolutely we got quite an enormous response.

Councilmember Knapp:

Okay.

Ms. Kao:

I think for the seminars which we hold every 12-18 months we saw a pretty enormous response. And actually it's caused us, we're going to now offer in the fall, again, another series of seminars because more people wanted to come than actually either could come or we exceeded capacity.

Councilmember Knapp:

So you are seeing an impact then?

Yes. Okay. Good.

Council President Perez:

Ms. Floreen.

Councilmember Floreen:

Thank you. What is the fine—

Ms. Kao:



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1 For Class B violation? It's 100--

2  
3 Councilmember Floreen:

4 What is the fine for putting the wrong kind of recycling, for putting your paper in the  
5 trash?

6 If it should be recycled. What's the fine for that?

7  
8 Ms. Kao:

9 A Class B violation it's a \$100 first offense, \$150 for subsequence offense.

10  
11 Councilmember Floreen:

12 So we have to tell people that. It's the law. I mean, it's very Big Brotherish, but, it's  
13 what it is. And, we have to, you can't use that terminology for communicating to regular  
14 folks. We really do want to---

15  
16 Council President Perez:

17 We've got a solution this morning. Bob has good pipes. I mean like when he spoke up  
18 this morning, I was slouching a little bit and he speaks so loudly I came right to  
19 attention.

20  
21 Councilmember Silverman:

22 Deep voice.

23  
24 Council President Perez:

25 We need it.

26  
27 Councilmember Silverman:

28 It's the law.

29 Come on, Bob.

30  
31 Councilmember Floreen:

32 Are you talking about Friday night? But, we really, we have to, we're students of  
33 communication between the door and the trash can, frankly. And now the door and the  
34 recyclable bin. But we have to think of simple reminders, simple, and I mean simple,  
35 ways of telling people that they will be fined. And then we're actually going to have to  
36 fine people, if we're finding this to be an issue, which I'm sure it will be. So, it is a huge  
37 thing that we've done. And, I think, and, I think we need to be very clear to our  
38 residents about what we expect and what their obligations are now. And being gentle is  
39 very kind, but it doesn't help people get in the mode of moving into making this part of  
40 their lifestyle. So, you need, the communication with the civic types, the municipalities  
41 as well, because they, they're trash is going to subject to this whether or not they have  
42 implemented these own]rules within the municipalities, I don't know the extent to which  
43 you're working with them. They have a, may have easier ways of communicating with  
44 their residents about what they need to do.



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Ms. Kao:

We've been talking with Gaithersburg, Rockville, the municipalities. We've actually been talking with them. They actually were at a number of our meetings, both the collector meeting in May as well as our seminars. So, we've definitely had follow-up discussions with them to let them know this information. They're aware and are taking steps to educate.

Councilmember Floreen:

And I think you need to develop a template that's very simple. That very much conveys the message, and that there actually will be repercussions. Because, people are, will have no incentive to change their ways. And it's such a huge change within a family environment, much less a business environment, in terms of the costs of thinking about this differently. I just can't emphasize that enough and I've been very concerned since we took this step that we haven't really publicly acknowledged the changes we that expect throughout the community. So I mean I think we just have to just bite it, take it on the chin, and be very clear about the community expectations for this.

Council President Perez:

I think we should, in the interest of time I want to be done by 12:15, turn to the waste composition.

Aron Trombka:

Yeah, I mean, maybe we can cut right to the issue. You debated whether we should be going towards 40, 50, 60% [inaudible]. Right. We'll have data about what's not being recycled that could be recycled. If I can, Alan, do you mind just going to the slide that shows, oh.

Council President Perez:

So what did we learn from the, I thought the study was completed.

Aron Trombka:

It's on the bottom. I already brought it up. It's on the bottom. Okay. I'm sorry, given the Council President's comments about time, could we go to that slide? The blue and yellow slide? No, keep going. Keep going. Yes. To me, this is the message. If you look at what they found by digging through the trash for year.

Council President Perez:

The most recent waste composition study.

Aron Trombka:

This is the study that completed within the last few weeks. What you'll see is, what's out there that could potentially be recycled that's not being recycled is paper, paper and paper. And, you'll see on Circle Nine of your packet and the previous slide here, it's particularly noteworthy, it's particularly noteworthy in the non-residential sector, although it's also in multi-family and single-family. But, you know, Mr. President, you asked for us





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1 to expedite and cut to the chase. I think this is the issue, that what the data shows is  
2 that if we want to increase the recycling rate, the target and paper, paper and paper.

3  
4 Council President Perez:

5 Well I mean what that tells me is what we have put in place is good. I mean, we're  
6 getting at the nub of the issue.

7  
8 Aron Trombka:

9 Well they have to have pass it.

10  
11 Council President Perez:

12 Right. I mean the ban that I'm talking about.

13  
14 Aron Trombka:

15 The ban, And maybe it's not for discussion now but for the Council to continue to  
16 oversight is what particular strategies are being identified and implemented and how are  
17 they getting [inaudible] targeted towards paper products and particularly paper in the  
18 business sector. If you look at Circle 9, is the previous slide up? You'll see, yeah, this is  
19 single-family, multi-family and non-residential sector. Again, it's the paper that stands  
20 out, but the sheer quantity is great [inaudible].

21  
22 Council President Perez:

23 I'm sorry, walk us through this one again.

24  
25 Aron Trombka:

26 The same chart that you see, the one that I showed you previously was aggregated, the  
27 department [inaudible]. This is now disaggregated by the single-family sector, the multi-  
28 family sector, non-residential or commercial sector.

29  
30 Council President Perez:

31 Right. And so the biggest bang for the buck. It goes non-residential, single-family, multi-  
32 family.

33 That's where we get the biggest bangs.

34 Mr. Silverman.

35  
36 Councilmember Silverman:

37 Well, yes, but, I'm looking at the single-family side, neck and neck. I mean, in the  
38 simplicity is the rule category, maybe we should be doing robo calls into single family  
39 houses saying, guess what folks, we got a recycle requirement here and anything that  
40 looks like paper is required to be recycled. Because if your investigation is showing that  
41 it's almost 50/50 on the paper front then obviously there's an extraordinary amount of  
42 people, you know, that are out there in single-family homes who are not getting it. In  
43 the tonnage, the non-residential side is more tons, but you've got, you know, whatever,  
44 my math is not good, but you've got nearly 60,000 tons just sitting there, that,  
45 presumably we all, you know, when we talk about the residential recycling rate in the



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single-family arena of, you know, over 50%, well, I'm looking at paper and I'm looking at my goodness. So, it seems like maybe while we're, and I know we're going to get to that in a little bit, about focusing in on the non-residential side, perhaps we ought to have a strategy that tells people, you know, us that we should be, we should be recycling paper.

Aron Trombka:

The Council actually took a lead on one strategy which isn't fully reflected in there and that's the blue carts. And the timing of the study is only the last few months of the study, this being a 12-month study, where the carts were fully distributed. So, I think you're absolutely correct Mr. Silverman, I think the question will be has that number changed given the, as Mr. Wagaman said, the county-wide implementation of the program that is just now taking effect.

Council President Perez:

One question for follow-up, because I think these two charts are really important. And we really need to engage in a public education campaign to let people know what we learned among other things as Mr. Silverman correctly points out. We've learned that homeowners, single-family homeowners can and must do more. And we've focused on the business community appropriately so, but this chart really is speaks volumes to the need to educate homeowners. I would be curious, Aron, if you were to be able to reduce the yellow in the single-family by say, two-thirds over the course of the next two or three years, what does the residential recycling rate then look like.

Aron Trombka:

That's math that we can do.

Council President Perez:

Okay.

That's math that and you Mr. Andrews can do and everybody else is having trouble. But I mean, I'd like, because I want to set goals that are realistic, and I'd be curious to see, you know, if we can take that down by two-thirds what does it translate too.

Aron Trombka:

And that's exactly how we got there because--

Council President Perez:

And as you recall, we didn't change a lot of these goals because we didn't want to do it in the dark. You're now shining light.

Can you turn the light on? I have a motion.



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1 Now that we have the data, I think the next step I'd like to do in, you know, a couple  
2 months is really have a conversation maybe we'll do it in the Committee and then bring  
3 it to the full Council about revisiting our goals in light of what we now know.

4  
5 Dave Wagaman:

6 Just to point out, we've had a number of Staff discussions. One of the goals of this  
7 study was to work with the Staff throughout the division to let them know what the data  
8 is and get some input back in. And we've had a number of discussions about that exact  
9 same subject about what percentage of different materials would you have to recycle to  
10 achieve 50% over all recycling and how practical is that. When do you get to the point  
11 where you're getting less single piece of paper that somebody throws away in the  
12 backroom of a business or in the backroom of a house.

13  
14 Aron Trombka:

15 We have a deadline actually, that when you approved the solid waste plan you said you  
16 said by now you'd like the state of it, you also said by September you would like the  
17 department to come back and tell you what's the highest feasible recycling rate for  
18 single-family paper, non-residential paper. How far can you get the yellow down and to  
19 come back.

20  
21 Councilmember Silverman:

22 Okay. We have, I think, in my opinion, we have been extremely focused for the last year  
23 on the non-residential side. Not to the exclusion of anything else, but we have really  
24 focused very much on the school system, on the business community and others  
25 because you all told us that that's where the bang for the buck was. And I'm looking at  
26 this chart, and I'm looking at over there, it's all about paper but I'm looking at here it's all  
27 about paper. And this chart over here on the left essentially says, guess what, we're  
28 really not doing that great a job on in terms of what we call single-family for recycling  
29 what is supposed to be presumably the thing that everybody knows they're supposed to  
30 recycle.

31  
32 Dave Wagaman:

33 We didn't have data several years ago, but going out in the street and looking at it you  
34 can see how much paper there was. That is why we did the pilots for the--

35  
36 Councilmember Silverman:

37 Right. So I guess my question is, and this is a question back to the Committee for, you  
38 know, for oversight is, when does the department come back to the Committee or the  
39 Council with what the plan is to try to address, while we're going down this path which  
40 we're going to get to, about commercial and multi-family. What's the game plan for this  
41 chart over here in terms of single-family.

42  
43 Council President Perez:

44 Well, it's really, I'd say all three, too. I mean multi-family even.



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1 Councilmember Silverman:  
2 Paper, paper, paper.

3  
4 Council President Perez:  
5 It's the paper, stupid.

6  
7  
8 Art Balmar:

9 So, I think it certainly boiled down to, you know, the usual issue of resources. But it  
10 may be, we'll also look at the budget and see, by concentrating on the big tonnage  
11 items that have been identified here. We might just change our strategy. Because, we  
12 have to be realistic in terms of whether you can get 50% of that, 60% of what have you.  
13 And I believe, by the end of September we should be able to come back with this data  
14 and see whether we should perhaps change some of our plans that we have for this  
15 year in anticipation that we're going to concentrate on the big ticket items. The other  
16 thing, in listening to the discussion on the enforcement, [inaudible] has been friendly  
17 persuasion I think was a term I've used all these years but we could, in fact, put the  
18 various stickers on the blue bins and the carts when we go out and say, if you don't use  
19 this properly you're subject to a fine or if we want to go that far in terms of notifying  
20 people. So, we'll come back with some proposal on that certainly by the end of  
21 September if that's acceptable.

22  
23 Council President Perez:

24 Okay. We're all ears and we're very interested obviously and we're very appreciative of  
25 your work in gathering this data because these are two, in some respects I wish we had  
26 started out with this issue because I think it would have, this really informs what we  
27 need to do in the future.

28  
29 Ms. Kao:

30 And there is an information piece that we're working on to mail out and send out this  
31 summer and that is a piece on mixed paper that has been in the budget. And actually,  
32 Dave and I have talked about delaying it slightly. We were going to do it prior to June  
33 30th but we've delayed it slightly with the timing of the wheeled carts that's really going  
34 to focus on trying to get more paper and paper items out of the waste stream and into  
35 the recycling bins across the board because that is area where there's room for  
36 improvement.

37  
38 Council President Perez:

39 Right. Ms. Praisner was next.

40  
41 Councilmember Praisner:

42 Well, I just had a couple of comments. I just wanted to be clear again as to how much  
43 of this data reflects having the bigger carts or doesn't.

44  
45 Dave Wagaman:



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1 A very small amount of it reflects that. It's four seasonal data samplings and the only  
2 sampling was this spring that really reflected a lot of the carts. So you have a lot of  
3 sampling where very few people had carts.

4  
5 Councilmember Praisner:

6 I think paper is the big issue but I would be, just from the comments again, purely  
7 anecdotal that I've had from folks. Having had, now having the larger cart, I think folks  
8 are recycling more paper just by nature. And the paper was there before, it's easier, et  
9 cetera. So, our numbers, I think paper should be a major campaign, obviously, because  
10 of the quantity it makes up and single-family homes, obviously, because there's some  
11 evidence, there, but I have a feeling that if we had looked at this, I hope, that if we look  
12 at this, post distribution of the larger containers. the numbers may not be as close to  
13 each other because folks are beginning to use those bigger containers for more  
14 recycling than they would have before. Now, that may not be true but it provides an  
15 opportunity in essence, that the containers do which then speaks to the non-residential.  
16 I just don't want to lose sight of the non-residential paper, or make sure that we're not  
17 ignoring that.

18  
19 Council President Perez:

20 It's certainly not an either or but we've had tended to make it.

21  
22 Councilmember Praisner:

23 Well, but my only point is those numbers may show more of a variation as you just  
24 provide more of a distribution of the larger --

25  
26 Councilmember Silverman:

27 I only comment about the paper on single-families is that people have a mechanism  
28 right now for recycling paper in houses, they don't and we'll get to that. They don't  
29 necessarily have that on the commercial side.

30  
31 Councilmember Praisner:

32 I agree. And, I think in the area of confusing as to what is recyclable or not, there is a  
33 significant amount of paper where it isn't a question. It's easier to make the judgment I  
34 think, about putting paper into recycled and, whether it's outside cartons of food, you  
35 know, not the milk carton but the outer part of a cereal box, et cetera. The outer piece  
36 of the margarine, not the margarine dish but the quarters. Those kinds of things are  
37 fairly easy to understand because it hasn't been touched or contaminated where the  
38 capacity now encourages more of that.

39  
40 So, I just hope that we, I hope we see different numbers. I think we will see different  
41 numbers with the bigger containers and I think, obviously, I just don't want us to back  
42 away from the non-residential because the volume is obviously there.

43  
44 Council President Perez:

45 Ms. Floreen and then I want to turn to Aron to wrap up.



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Councilmember Floreen:

Thank you. I just wanted to say, looking at these, all these charts when did we have this information about the sorting results and what the charts I guess on Circle 8 and 9. This is fresh data. This is within the last two or three weeks that they completed --- Very recently. Okay. We got the data, raw data a few weeks ago. We've discussed it with Staff and then we tried to summarize it in a way that was meaningful. Great. Great. Well I would urge you, since we have this information now, to not wait as long as three months, which is what you're talking about to get back to us with the communications program. That's three months out of a year of compliance expectation. So, I would urge you, you know, hopefully at least by the end of August to have something in place. I know it's summer, it's vacation time. It's everything, but this is quite important. And I would be concerned that education as to obligation and as to penalty issues not be delayed at all.

Council President Perez:

Okay. Aron.

Aron Trombka:

I just want to check with the Council President and the time, the last presentation will take several minutes. I don't know if you want to reschedule or want to go through. But I don't want to put the department in a position of doing a one minute summary of what's a five minute piece.

Council President Perez:

Okay. This is on the issue of---

Aron Trombka:

Alternative collection methods.

Council President Perez:

Okay. Can you do it in five minutes?

Ms. Kao:

We can try. We can try. I'll just be very brief. The thing that occurred to us, the single-family sector is recycling over 50% of their waste. The commercial sector is recycling about 30% of their waste. One of the big questions has been well, why the difference? What are the factors that possibly are influencing recycling achievement and what could possibly be done to change that? One key difference is the County provides curbside collection to all single-family households in this County. We contract on behalf of all those households. Once a week we send the trucks out to their curb to collect all the recyclable materials. That is not the case with businesses. That is not the case with multi-family properties that have seven or more dwelling units. Instead, we ask them to provide and get their own collection services for those materials. We embarked on a



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feasibility study to look at this issue and we have Greg Vote of SES Engineers, he's going to make a five minute presentation.

Greg Vote:

Thank you, Eileen. Thank you ladies and gentlemen. I'm going to have [inaudible] just bounce over to the slide called Phase 3, Potential Scenarios. This is a consulting study. The purpose of the study is to look at methods, tools that the County can use to serve to improve the recycling performance and secondary benefits being improve or reduce rather, vehicle trips, refuse vehicles that might be doing the routes, balance the cost being charged to generators, and look at a way to shift the responsibility of recycling from the generator over to the collectors, the ones that are hauling the trash and the recyclables. Shift that responsibility for recycling programs to be developed by them for the non-residential sector. [Inaudible] going through the different four phases of the study. I won't do that. I think the important piece as you look is at the end of the study. The first phase was to look at other U.S. municipalities and jurisdictions, get some clues from there what they're doing. Then look at surveys within the County. Turn to the generators themselves, talking to them follow-up information. But again, take that information and then come to the County and propose some scenarios that might be workable based on the information obtained. This slide shows, is trying to give you idea that we're looking at about three general type of scenario's. One is called the word, franchising, which we can define for you later on or it's in the report as well. Enhanced licensing of the haulers themselves. And then perhaps a program that's set aside for small collectors. And this is because around the country this is turning out to be an important issue to make sure you retain the business of small haulers doing the work for you. So those are the scenario's that have been presented to the County in the draft report. And a couple of other variance of these scenarios that one could propose and we've talked to with the Staff here.

There is a Phase 4 which has to do with implementation needs that what should the County be looking at the vision of this program if it goes into place, what do you need? Those are the elements of the phase. Next slide, please. And then the next two slides show you a breakdown of the key elements of the time that would be required and the elements that will take the time to get this thing in place. And we're saying for a franchise-type program, which is organizing and contracting with an RP process a certain number of haulers to pick up the recyclables and waste in certain parts of the County, that would take about three years, just going through the basic elements that are required. Next slide please. And this should wrap up my five minutes here. If we instead an enhanced licensing program, we already have a permanent program for hauler today. And there's ways to tweak that a little bit and improve it to get what your goals are that would take a little bit time we're projecting. But these are again, the basic elements here. And I think that's---

Aron Trombka:

Could you take 30 seconds just to define enhanced licensing and franchising just so that the concepts they are better understood?



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Greg Vote:

I think that's useful because in a permitting system you think of a one-year permit, and annual permit renewed because the haulers or the collectors should have basic things in place based on your requirements. They should have adequate insurance in place, they should keep their, you actually have a permit system already in place in right now. It's basically having adequate insurance, they have experience in that type of thing. But our fee process with a franchise system is much more with a stronger contract. Usually it's multi-year type contracts because the collectors want to win this particular award and keep that hauling contract in place for many years. It's a way for them to purchase new trucks and new equipment. And also the requirements for most franchise systems occur across the country lets you do, add requirements that you want to have in there. In this particular case the County would be at how can I get my recycling numbers to be improved? We're going to ask that one would envision a franchise program asking the haulers to report on the success of their recycling program. Report back numbers and an annual basis perhaps or more often, have them perhaps a gradual increase in the recycling performance. So there's stronger requirements you can put on [inaudible] franchise.

Aron Trombka:

But both of those assigned geographic areas to the winner of the process?

Greg Vote:

Typically. Not necessarily. You can do it different ways. But oftentimes more commonly across the country, they take a large municipality or county or a city and divide it into quarters or thirds or something [inaudible] someplace else. But yes, geography is often used as a tool as part of the franchise. Thank you very much.

Council President Perez:

Mr. Silverman.

Councilmember Silverman:

Thanks. Three quick questions. Circle 18, which is Phase 2 findings. We can go back to that. Again, you know, it's the paper, stupid. Not that one. Not that one. That one. Cardboard, cardboard and mixed newspaper white comingled, almost across every one of these categories that you looked at. I mean, am I reading this right?

These are the ones of the ones that are reporting. The basic items they're recycling is cardboard, that's correct.

Right. I mean I'm just saying it's heavily non-comingled is what I'm looking at if I'm reading this thing right, across all of these non-residential with the possible exception of multi-family.





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1 So, does that lead to any conclusions about where the target ought to be or do you set  
2 up a program that essentially covers all of these items? I mean covers the comingled  
3 as well? In other words, I guess what I am asking is, is it easier, more cost effective or  
4 whatever, to set up a licensing implementation that is focused in on the non-comingled  
5 or does it make any difference in setting it up one way or the other? Because if they are  
6 not recycling much at this point and you've got to cross all these categories essentially  
7 non-comingled items, could you set up a licensing system that says we just want to,  
8 you're required to recycle everything but we're going to bring somebody by your door or  
9 down your block every week to focus in on these non-comingled items.

10  
11 Greg Vote:

12 I think there's several findings that need to come out of this particular slide which was  
13 behind it as well.  
14  
15  
16  
17

18 Council President Perez:  
19

20 Good afternoon, ladies and gentlemen. This is a public hearing Agenda Item Five on a  
21 resolution to grant a franchise for telecommunications system in the public right-of-way  
22 to KMC Telecom MFP Committee worksession is tentatively set for July 7th at 2 p.m.  
23 The record will be closed at the end of the hearing, and according to my list, there are  
24 no speakers for this hearing. Agenda Item Six is a public hearing on Expedited Bill 16-  
25 05, electricity licenses exceptions, which would clarify certain exceptions to the  
26 licensing requirement for electrical work, and generally amend the law governing  
27 licenses and permits for electrical work. Transportation Environment committee work  
28 session is set for July 14th at 9:30 a.m. Persons wishing to submit additional  
29 information for the council's consideration should do so by close of business July the  
30 11th. I see no speakers for that hearing. Agenda Item No. 7, this is a public hearing on  
31 expedited bill 17-05, licenses benefit performances, which would allow certain  
32 organizations to contract for operation of benefit performances, and generally amend  
33 the law governing licenses of benefit performances. Public Safety Committee work  
34 session is tentatively set for July 25th at 9 a.m. Persons wishing to submit additional  
35 information for the Council's consideration should do so by close of business July 18th.  
36 We have one speaker, I think, for this hearing. Jody, come on up.  
37

38 Jody Kline:

39 Good afternoon. My name is Jody Cline. I'm an attorney with a law firm of Miller, Miller  
40 and Camby, with offices at 200B Monroe Street, and my presence here today alone  
41 kind of belies the public importance of this issue. What you have before you is an  
42 opportunity to update Chapter 30-4 of the County Code, dealing with benefit  
43 performances. And I learned about this doing some activities for a non-profit client who  
44 is the beneficiary of a benefit performance license and learned that the way they  
45 operated was actually technically not consistent with the law. The law's been on the  
46 books since the 1930s, and it probably worked fine for the days when you had fire



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1 companies, all the employees would go ahead and put on a bake sale or something,  
2 and people would come in, or things of that activity. And it would probably work for  
3 some of the other simpler organizations like the Lions Club that would put on some kind  
4 of an activity for a fundraiser. As time progressed, these things became more  
5 sophisticated, and their niche was created of organizations who would come in, do the  
6 advertising, do the organization, park the cars, run the operation and actually go ahead  
7 and clean up when it was all over so that the organizations themselves didn't have to  
8 actually get that -- have that hands-on involvement. And that is technically in violation  
9 of the way 30-4 reads today. Um, just so you don't think that I'm here alone. This is the  
10 County Attorney, Mr. Spicer, who was kind enough to give me copies of the 62 Benefit  
11 Performance licenses issued in 2004. Now, a lot of those are for PTA's and for church  
12 groups that are really just doing bake sales where members, which is the language in  
13 the ordinance, probably are conducting it. But let me just give you a couple of  
14 interesting sort of examples of uses that you would think are very benign, that would be  
15 precluded by strict interpretation of the law. Here's one applied for by the Women's  
16 Committee of The National Symphony for an auction at 9121 River Road. If the ladies  
17 of the Symphony Committee were doing it, it would be okay, but, in fact, Park Royal  
18 Galleries is actually the applicant for the permit, and this is obviously an example of  
19 one of these organizations that steps in, takes the pressure off the parent organization  
20 and would not be allowed to do so. A more exaggerated example is here's more of an  
21 application by Wright Hoffer Show's Inc. You probably recognize that, those are the  
22 folks who run the circuses and carnivals in Montgomery County. They're putting one on  
23 for the Special Olympics of Maryland. Those would all be precluded by a strict  
24 interpretational law. Mr. Fayne has come up with some simple, clever ideas; Mr.  
25 Silverman was pleased -- nice to get on this real quickly. And I hope you can get it  
26 adopted based on what you've heard today. Thank you.

27  
28 Council President Perez:  
29 Thank you. Mr. Silverman.

30  
31 Councilmember Silverman:  
32 Yeah, Jody, don't leave yet. My understanding is, or at least information that was  
33 provided by the County Attorney's Office suggests that the film festival -- back to the film  
34 festival -- is another one of those that never ends. I raise that because the time-  
35 sensitivity of --

36  
37 Councilmember Praisner:  
38 Country Inn.

39  
40 Councilmember Silverman:  
41 Yes.

42  
43 (Inaudible)



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1 Yes, I say that because depending on what the Public Safety Committee does, it's up to  
2 the council president to decide when we schedule this. But, there is at least time  
3 sensitivity if the Council is inclined to do something.  
4

5 Mr. Kline:

6 The film fest is scheduled for August, and if this was not completed -- I mean, they have  
7 a permit today, and I don't think anybody's going to go take it away. But, clearly it ought  
8 to be cleaned up.  
9

10 But it is --

11  
12 It is time-sensitive. And, Mr. Andrews, I will make myself available for your staff to  
13 provide any information you might need for your worksession Thank you.  
14

15 Council President Perez:

16 Thank you. That concludes that hearing, and I will turn it over to Ms. Praisner and Mr.  
17 Andrews for the Public Safety MFP Committee.  
18

19 Councilmember Andrews: Yeah. Thank you, Mr. President. Ms. Praisner is going to  
20 chair this meeting, being the Council's acknowledged and clear expert on  
21 telecommunications.  
22  
23